



information cycle

on the planned referendum in Curaçao



Organised by the University of the Netherlands Antilles and Kamara Sindikal

Information cycle on the planned referendum in Curaçao

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REFERENDUM AND DEMOCRACY

By Mr. Tico Croes (31st January 1992)

IT IS A GREAT honour to me to share my thoughts with you about the subjects: referendum and democracy. We cannot refrain from stressing how important they are. The referendum does not only have to do with the participation of the people in a national issue, but it is also of vital importance to all citizens of a certain country. That's why I readily accepted the invitation to deliver this speech for the Kamara Sindikal. Before I go on it is imperative for me to make two caveats. First, if tonight's title is analyzed it might seem very general. Democracy is a frequently used term. The widespread use of this concept brings along a certain degree of confusion. It might even influence the value assigned to democracy. The same goes for the term referendum. This makes it necessary for us to define the two concepts as clearly as possible. Only then can we contribute to the present debate in Curaçao which nevertheless is a difficult task.

Secondly, I have to warn you of the existing duality between my present profession which is a politician and my scientific training. Scientists analyze things unemotionally, use empiric methods, far away from normative aspects that there might be about the setting. Politicians, on the other hand, should carry out political programmes that are loaded with normative elements. Maybe this duality could arouse doubts among some of you but I am convinced that it is this very duality that makes it possible to analyze the world more amply and realistically.

The term democracy has appeared quite often in discussions on the Antilles and Aruba. The word appeared 23 times in headlines in the leading newspapers of Aruba. Furthermore, it ranks among the 10 subjects most often talked about. Both in the Antilles and Aruba pressure groups, to discuss this theme have come into being. Kousa Komun which has done a lot of research on this theme and recently FESSKA of Aruba, are the best known. That's why I will not talk about the political and normative aspects of democracy. Democracy will only be mentioned in its relation to the referendum and popular participation in a national decision.

The term referendum is different. To my knowledge little has been written about it. The best known work is possibly the one by Lucita Moenir Alam: 'The referendum and the right to self determination from the point of view of International Law', which was a lecture delivered for the Curaçao Rotary Club. There is also the work by Mito Croes and myself: 'Our Destiny in our own hands,

Aruba and its Right to Self-Determination. Both works, however, are technically juridical analyses stressing the formal aspect. That is why I want to elaborate on two aspects that have hardly ever been touched. The first is the experiences with referenda in world history and what we can learn from them.

In the second place, the consequence of a referendum, or rather what happens after a referendum. Here I'll take Aruba as an example. A referendum is a way of taking decisions or of legitimizing government decisions. It is an old method, still it used sparingly. Countries like Switzerland and American states, such as California, have used referenda systematically, whereas a country like the USA has never used a referendum on a national level.

Other countries misused referenda especially to legitimize dictatorship. From the beginning of the 70's the use of the referendum has increased. It has been used in connection with the extension of the Common Market with Greece and Spain and recently Chile used it to abolish dictatorship and adopt constitutional democracy.

In England and Canada it played an important role in the debate on separatist movements. In Aruba, Niue, the islands of Gilbert and Ellice, the Marshall Islands, Palou, Micronesia, Mayotte and Puerto Rico referenda were conducted to decide on the right to self-determination and decolonization.

Referenda have also been used by arbitrary regimes to legitimize *coups d' état* or to establish a one party system which happened in many African countries. The wide variety of uses on an international level forces an observer to study the political functions and consequences a referendum has on a nation. I won't talk about the meaning of the words referendum and plebescite, nor about the legal and constitutional mechanism of elections. I will talk about the practical side of a referendum related to democracy.

Democracy is one of the ways to solve social conflicts in a non-violent manner. This definition indicates that democracy as a principle of human organization should create structures not to eliminate conflicts but to channel them so as to prevent them from developing into violence. The will of the people is the determining factor that decides who is authorized to lead the community. From Locke up till Robert Dahl the preoccupation to solve social conflicts non-violently through democratic principles has remained constant. There are two prerequisites for the existence of a democratic process, according to Dahl: competition and participation.

These two can take place if there are certain basic rules, such as individual freedom, equality according to the law, permanent responsibility, regular elections and a constitutional state.

This last condition is important because it determines the setting in which the state can function without hindering individual freedom. This virtue limits the principle of majority rule, as under no circumstances the majority can oppress the minority. For this reason stability of a democracy depends essentially on a consensus about procedures, rules that are essential in reaching political decisions that touch the whole community. The form in which Caribbean democracies function generally is against the essence of democracy, as they are ruled by the principle of exclusion. Only the majority can decide and those who are affected directly by the decisions do not participate in the decision making. This is one of the sources of instability of regional democracies. If everybody could satisfy his own needs on his own, political processes would not be needed. But as this is not the case, people constantly demand attention. However, not everybody translates his demands into political action and thus asks for participation in the decision-making. Studies show that a great majority of people are not interested in politics and according to Robert Dahl it is only a minority that seizes the opportunity to participate in decision-making. Some authors think that this limited participation has a positive effect for the system as it neutralizes the shock of disagreement, adjustment and change in a society. Opinions are divided as to what degree of participation constitutes a sane democracy. The degree of participation, which varies from country to country depending on the political culture of that country, manifests itself in a continuum from a direct democracy to a representative democracy. In a direct democracy there is the system of recall, initiative and referendum. Of these three the referendum is the most used.

The question that arises after analyzing the use of a referendum is: why does a country like Switzerland use a referendum whereas another democratic country like Holland never has? The answer lies partly in the political culture and tradition of Switzerland. Switzerland realized that as its population increased it was hardly possible to continue with a direct democracy. But the tradition of popular participation is so deeply rooted that the government just has to use referenda.

Another factor that determines whether referenda are conducted or not is that politicians fear this instrument. Sometimes things do not turn out as anticipated. Sometimes it undermines solidarity in a party and in some cases it is even detrimental to the

government's reputation. Furthermore, it can impede a consistent balanced policy. In is sometimes said in books that referenda have the disadvantage that they hamper efficiency in the formulation and implementation of decisions and besides they can impede changes and innovation.

This doesn't agree completely with practice. In the case of England's entry into the Common Market the referendum functioned as a catalyst. From a study by Davis Butler and Austin Ranney about referenda it appeared that up to the end of the 70's more than 500 referenda on a national level had been conducted in modern history. Of this amount 297 were in Switzerland 39 in Australia, 20 in France and 13 in Denmark. No other country had 10 or more. So a referendum is not a frequently used instrument. It is remarkable that non-European countries used the referendum to legitimize a certain regime.

The study also shows that the topics that had to be decided on were most of the time constitutional and territorial issues. Hardly ever were they of a pragmatic or moral nature. Outside Europe referenda have been used in connection with self-determination to legitimize decolonization and secession. About 30 of these cases are known.

The research also gives the reasons why referenda are conducted, they are to begin with, to meet a constitutional need (Switzerland & Australia). In the second place, to legitimize a policy and finally, to settle delicate issues (England and the Common Market). What can be said about the electoral behaviour? Two aspects are worth mentioning, namely: the number of people that participate in the referendum and its outcome. Generally speaking, there are fewer voters at a referendum than at a regular election, although the difference is not big. So a greater effort must be made to motivate people to take part in a referendum.

The degree of absenteeism is important as it determines the validity of the outcome of the referendum. In both Puerto Rico and Aruba, for example, the results of the referenda were discredited because too few people voted. In Aruba there were other factors too, like fraud and inadequate preparation of the referendum. Even in countries that have known referenda for a long time, for instance Switzerland, the turnout of voters has been decreasing considerably.

Another striking thing is that whenever there is a consensus between the government and the opposition the referendum is successful. Hardly ever has the outcome of a referendum influenced the political scene in the sense that a government resigned.

Maybe this can be explained by the fact that the voter tries to find a solution for his ignorance by listening to people he gets the information from. In this way the case becomes more a matter of people than of an issue. That's why most of the time when a government sets up a referendum its outcome is in its favour. (De Gaulle was an exception). Voters are generally conservative as they are on their guard for changes as changes mean uncertainty. In the poll of 1988 a majority voted in favour of an Antilles of Five, which to many people was a surprise.

Most referenda consist of one question to the voter. The formulation of the question is determining for the quality of the democratic process. In many referenda several questions are asked to which the voter can give only one answer. Instead of increasing the voters' participation paradoxically it reduces their participation to a mere outlet of protest. The contents of the question is frequently controversial. In England this problem was solved through an umbrella organization, which included all strata. Another conclusion of the analysis is related to the publicity before the referendum. In all countries the role of the state and parties differ as to their rules and practice. The duration of a campaign, its cost, the intervention of pressure groups or ad hoc groups, the consciousness-raising of the public are variables. Strikingly, political parties do not present a referendum as a political issue. Mostly they prefer to undo its political tones.

This is done for two reasons: on the one hand they are afraid of political repercussions concerning prestige and party unity. On the other hand it has been proved that political loyalty could play a minor role as it brings uncertainty about the control of the outcome for all parties. Finally, a technical majority is sometimes not enough.

In Aruba for instance, a majority voted for independence but what they wanted in fact was a 'Status Aparte' (the present situation). In *The Calculus of Consent*, Buchanan and Tullock explain: when there is only one issue, the voter indicates his preference and the preference of the majority is decisive. The problem in referenda is that there is no possibility of indicating intensity. Not all voters take the same interest in the issue in question. Somebody who strongly opposes a choice and another who is indifferent don't have the same attitude. The first will participate because of an incentive, whereas the latter, if he participates, does so because he feels it to be an obligation and not a necessity.

If people are convinced of the necessity of a referendum they will accept its results enthusiastically.

This brings me to the second point: the consequence

of a referendum. In 1977 Aruba organized a referendum to determine its political future. The referendum, the first ever in the Kingdom of the Netherlands, was consultative. The discussion about the introduction of a referendum in Aruba as well as in Holland date from years past. (see P.C. Gilhuis: 'The referendum' and 'Third Note for the sake of the Council Commission of Aruba with regard to the possible introduction of the Referendum'.)

At the moment the proposition of Dutch Minister Hirsch Ballin is talking about a referendum as a means for a people to express itself when it wants to legitimize any decision on its future political structure.

The referendum of Aruba asked two questions: 1. whether Aruba wanted to become independent; 2. whether Aruba wanted to have an independent status in an Antillean Federation. About 70% of the population voted, which is 10% less than at a normal election. Of these 70%, 80% were in favour of independence and 10% were invalid votes (a significant number).

The formulation of the questions was a much debated subject in Aruba. The government simply imposed the questions, ignoring the opposition. Furthermore, the government did not give all the options that the people knew. According to the right to self-determination this should have been done. There was even a party that tried to monopolize the process of choice. History shows that, considering all that happened, a national consensus would be impossible and that this would lead to a questioning of the legitimacy of the results.

The question whether the results were valid or not dominated the political scene of Aruba and was solved in 1990 when all political parties agreed about the real wish of the people to maintain a 'Status Aparte'. The referendum of 1977 had a great impact on our political culture, especially on the degree of consensus on political values. Up till now we have seen that political conflicts are not a matter of degree but due to fundamental differences about Aruba's future and the rules that would influence the political process in Aruba.

On the other hand, Holland too was part of the problem as it wanted to impose a solution - at least there were rumors about it.

How is it possible that the people accepted the results, in spite of the controversy on the results? The answer lies in the national consensus to leave the Antillean constellation that existed. What was a hot item was the question whether Aruba should become independent. But nobody fell into the trap. The way in which the Aruban people accepted the introduction of the status aparte in 1986 was indicative of the real wish of the people and showed that the emphasis on priority over status aparte was

a correct strategy.

In spite of the economic crisis and the uncertainty it brought along in the first three months of 1986, an Aruban currency was introduced. In this process more than 40 million Antillean florins were exchanged for the Aruban florin, which shows a great confidence in the 'Status Aparte'. Furthermore, the Aruban people demonstrated exemplary patience with respect to the lack of coordination of the government departments in the first six months of 1986. Nobody in Aruba wanted the 'Status Aparte' to fail, especially since three generations had fought for it. In this chaos, however, nobody blamed the 'Status Aparte' for the chaos, unemployment, etc. Nobody said that Lago closed down because of the 'Status Aparte'. It would have been easy to attribute all problems, social, economic and financial on the 'Status Aparte'. But it never happened.

Why not? According to Buchanan and Tullock's analysis on voters' attitudes, we must conclude that the intensity of the issue was more or less equally divided among the Aruban people. This issue had been in discussion for 50 years. Everybody lived with it. All social strata were united, the public sector and the private sector were united and besides there was no other realistic alternative but 'Status Aparte'. Therefore the success of the implementation of the results was predictable. What we can learn from Aruba is that it is important to have a consensus on the problem both among politicians and the people. In Aruba everybody agreed that the root of the problem was the lack of freedom. Therefore Aruba had to leave the Antillean constellation. The discussion centered on how to realize this.

In Curaçao, on the other hand, things are different. To start with, there are two groups with different views as to the root of the problem. One thinks that the political system is to blame, for instance Kousa Komun. The other thinks that the structure is to blame. Both try to find the solution in the structure and that can be dangerous. Structure isn't a panacea. (For Aruba it cannot be concluded that it is the structure that did the economic miracle).

In addition, the people of Curaçao might have another view on the solution of the problem. In the last poll of 1988 more than 70% voted for a status quo. This might indicate that they would not seek the solution in the structure. The question that arises is, why are we holding a referendum. Is it the people's wish? Does Holland impose changes, or do politicians want to escape responsibility as they want to find a scapegoat for stagnation, inefficiency and social frustration?

The validity of the referendum and the willingness of the people to carry the results depends on whether there is a free and open discussion on the reason for organizing the referendum. The people will be prepared to accept the results only if the choice is based on conviction. It is this conviction that stimulated the drive and enthusiasm that, in spite of the greatest crisis in our history, the 'Status Aparte' didn't turn into a peg to hang all our problems on. International experience shows that whenever a referendum is held for political conveniences it can backfire. When this happens it can undermine the solidarity in a party, it can damage the government's reputation. This process can also be a major danger to democracy. The result of a referendum, can instead of stimulating participation, paradoxically stimulate apathy and frustration.

In many cases the voter sees himself as an individual who cannot make any difference in the democratic process because he cannot influence it and for that reason is not willing to assume responsibility for any decision.

This not only delegitimizes the democratic process but the individual could also come to perceive this system as a hindrance to better his living conditions. Therefore the organizers must see to it that the individual has sufficient incentives to participate and above all they must avoid the individual doubting its importance and validity. The process of creating incentives is influenced by the type of information the public gets and also by the satisfaction it gets from the political system.

In small countries like ours, the level of satisfaction with the system can be made difficult by the problem of size. Unlike big countries, in small countries political differences can easily become personal antagonisms, which very often cause fear and anxiety in the individual. This could make people stay aloof from the political process in their countries.

Such an attitude can have two consequences: in the first place, the society can become totally polarized, where consensus would simply be impossible and in the second place, the society could become completely apathetic and frustrated where favoritism and corruption are the values that guide the political process. In such a situation the incentive to participate in any political process is low. Our political history is typified by a repetition of new inspirations and vague results, of promises and disillusion, of reform and reaction.

The distance between promise and result creates tension and chaos, sometimes latent, but at other times manifest. The problem that exists now is that

all political parties have already expressed their preference. This means that the public will not be sufficiently informed about other options. Here lies the danger, in that the people might be forced into an option, which in the end might not be what they really wanted. Afterwards it turned out that it was not even an option in 1977. Furthermore in our case, where members of parliament are suffering from a credibility crisis because of lack of control, where generally speaking, political parties have not been modernized to cope with challenges of change and function more on the basis of favours instead of right, each slip, small though it might be, could be disastrous to our democracy. Our democracy could lose its attractiveness to ameliorate the quality of life because the reality we live in is that democracy is a method to achieve something better as human beings and is not a value in itself.

The Caribbean region is full of painful examples of democracies that too often lost their appeal. The gap that has come to exist in Western democracies, because of the crises in parliaments, has been filled by pressure groups and particularly by means of communication. Would our sections of the population be able to handle this challenge?

The theme 'In the Vanguard of Real Participation' could not have been chosen at a better moment. Critics say that our democracy is a farce, because its reality is far from its ideals. I think they're wrong. Democracy is not a farce, it is a disappointment because it is also a hope for something better.